

TOWN COUNCIL MEETING

June 17, 2008

BOARD OF LICENSE COMMISSIONERS

1. Call to Order 7:03 p.m. All Council members were present.

2. Minutes

a. May 20, 2008

Voted 5-0 to approve the minutes from May 20, 2008, (KM – JF).

3. Application for Victualling License

a. MLP 11 d/b/a Subway – 100 Twin River Road

Voted 5-0 to grant a victualling license to MLP 11, pending receipt of all documents, (KM – RM).

4. Application for Special Event License

a. Events at Twin River

Voted 5-0 to approve the following special events licenses, (KM – RM):

Things to do in the Ocean State Expo July 19, 2008

Puddle of Mudd Concert August 16, 2008

Pat Benatar Concert August 29, 2008

Royal Travelers Group Luncheon and Concert July 8, 2008

Best of Times Group Luncheon and Concert July 16, 2008

Huzon Furst Dinner Theatre July 24, 2008

TOWN COUNCIL

A. Call to Order 7:07 p.m.

B. Consent Agenda

Voted 5-0 to approve the consent agenda as amended, (KM – JF).

The consent agenda consists of the following items:

Minutes

- 1. May 19 – Ordinance Committee**
- 2. May 19 – Work Session**
- 3. May 20 – Purchasing**
- 4. May 20 – Claims Committee**
- 5. May 20 – Regular Meeting**
- 6. June 12 – Special Meeting**

Consideration of Monthly Bills

- 1. Accounts Payable – Library: \$35,749.17**
- 2. Accounts Payable – Town: \$197,232.24**
- 3. Direct Pay – Town: \$837,796.11**

Claims for Referral to Committee

a. Verizon

b. George M. Ogilvie, Jr.

Pole Placement: GRID Pole on Angell Road

Communications

1. State Mandated Financial Reports

a. Water Department

Reports

1. Town Administrator

Tax Abatements

a. \$ 37,507.68

Public Comment

Edward Slattery: Mr. Slattery agrees the FTM question should be on the ballot. He also read several quotes from Budget Board minutes.

John Cullen: Mr. Cullen made some suggestions for Charter changes: abolish the FTM, public bids for the sale to Town property, voter initiative, and recall of elected officials.

Appointments

1. Sewer Appeals - District 1

Voted 5-0 to defer, (KM – RM).

2. Conservation Commission – District 4

Voted 5-0 to defer, (JJ – KM).

3. Lonsdale Redevelopment Agency

Voted 5-0 to defer, (KM – JJ).

4. Tenant Board – District 1

Voted 5-0 to defer, (KM – JJ).

5. Tenant Board – District 2

Voted 5-0 to re-appoint Deborah Ambeault, (JF – RM).

6. Tenant Board – District 4

Voted 5-0 to defer, (JJ – KM).

7. Tenant Board – District 5

Voted 5-0 to defer, (RM – KM).

Unfinished Business

1. Claims Committee Report

a. Robert Oster for Jonathan Backner

Voted 4-1 to deny payment of the claim, (RM – KM). Councilor O’Grady was opposed.

2. Ordinance Committee Report

Ordinances – vote on Ordinances for consideration and/or passage

a. Ordinance 08-06: Amendment to Homestead Exemption

This ordinance was tabled in committee.

b. Ordinance 08-07: License Restrictions

Voted 5-0 by roll call to adopt Ordinance 08-07, (KM – JJ).

c. Ordinance 08-09: Twin River Revenue

This ordinance was deferred in committee.

Resolutions – vote on Resolutions for consideration and/or passage

a. Resolution 08-16: Modify Homestead Exemption

This ordinance was tabled in committee.

b. Resolution 08-20: Increased Shared Gaming Revenue

This ordinance was deferred in committee.

c. Resolution 08-23: Amendment to Charter

Voted 3-2 by roll call to approve as amended, (KM – JJ). Councilors Jahnz, Macksoud and McKenna were in favor and Councilors O’Grady and Flynn were opposed. The resolution was amended to add a question of the Council serving a four year term commencing January 2011.

Resolution 08-23

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LINCOLN

The Town Council of the Town Lincoln hereby resolves:

Whereas, The constitution of the State of Rhode Island, Article 13 8 provides the at the legislative body of any town may propose amendments to the Town Charter which proposed amendments shall be submitted to the electors qualified to vote for general and state officers at the next general election; and

Whereas, the precise wording of the ballot language to appear on the ballot must be approved by the Town Council; and

Whereas, a copy of any question to be submitted to the electors of a town at a regular election be certified to the office of the Secretary of State not later than ninety (90) days prior to the date of the election.

Now, therefore be it resolved that the following two questions shall appear on the ballot of the November 4, 2008 General Election ballot:

“Shall the Town Administrator serve for a four year term commencing on the first Tuesday of January, 2011?”

“ Shall the Town Council serve for a four year term commencing on the first Tuesday of January 2011?”

Be it further resolved, That the Town Clerk shall take whatever actions are necessary and required to execute the provisions of the Resolution.

3. Purchasing Committee Report

a. Worker’s Compensation and Property/Liability Insurance

Voted 5-0 to award the bid for Worker’s Compensation Insurance to Beacon Mutual in the amount of \$198,289.00 and Property /Liability Insurance to RI Interlocal Trust in the amount of \$282,432.00 at the recommendation of the Finance Director and the Purchasing Committee, (JJ – KM).

b. Security System – Library

Voted 5-0 to award this bid to Sonitrol Security in the amount of \$6,895.00 plus \$100 as a monthly monitoring service charge at the recommendation of the Finance Director and the Purchasing Committee, (JJ – RM).

c. Fuel Oil #2

Voted 5-0 to award this bid to Brennan Oil & Heating Co, Inc as the only bidder at the recommendation of the Finance Director and the Purchasing Committee, (JJ – KM).

d. Asphalt Patch

Voted 5-0 to award the bid for Hot Patch to JH Lynch and Sons and Cold Patch to Johnston Asphalt at the recommendation of the Finance Director and the Purchasing Committee, (JJ – KM).

e. Bituminous Concrete – In Place

Voted 5-0 to award this bid to JH Lynch and Sons at the recommendation of the Finance Director and the Purchasing Committee, (JJ – KM).

f. Cut and Patch Bituminous Concrete

Voted 5-0 to award this bid to Hartford paving as the lowest bidder at the recommendation of the Finance Director and the Purchasing Committee, (JJ – KM).

g. Crushed Stone

Voted 5-0 to award this bid to JH Lynch and Sons at the recommendation of the Finance Director and the Purchasing Committee, (JJ – KM).

h. Sand and Gravel

Voted 5-0 to award the bid for Washed Sand Delivered to Pyne Sand &

Stone and the bid for Washed Sand Bank Run Gravel, and Crusher Run Gravel to JH Lynch and Sons at the recommendation of the Finance Director and the Purchasing Committee, (JJ – KM).

i. 50/50 Curbing Program

Voted 5-0 to award this bid to International Paving Corp, at the recommendation of the Finance Director and the Purchasing Committee, (JJ – KM).

4. Capital Improvement Committee Report

This Committee will be meeting to plan for the new Senior Center.

New Business

2. Resolution introduction for referral to Committee

a. Resolution 08-25: Authorizing Bonding

Voted 5-0 for immediate consideration of Resolution 08-25, (KM – RM).

Voted 5-0 for adoption of Resolution 08-25, (KM – RM).

Resolution 08-25

TOWN COUNCIL

TOWN OF LINCOLN, RHODE ISLAND

**RESOLUTION AUTHORIZING THE TOWN OF LINCOLN TO
FINANCE THE IMPROVEMENT, REPAIR AND RENOVATIONS TO
PUBLIC MUNICIPAL BUILDINGS (OTHER THAN SCHOOLS) AND FOR
REPAIRS**

**AND IMPROVEMENTS TO SEWER INFRASTRUCTURE IN THE TOWN
BY THE ISSUANCE OF NOT MORE THAN \$5,000,000 BONDS AND/OR
NOTES THEREFOR**

RESOLVED, That:

SECTION 1. Pursuant to Chapter 71 of the Public Laws of 2004 and a Referendum held on November 2, 2004, an amount not to exceed \$5,000,000 is appropriated for the purpose of financing the improvement, repair and renovations to public municipal buildings (other than schools) and for repairs and improvements to sewer infrastructure in the Town (collectively, the “Project”).

SECTION 2. The Director of Finance and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding Five Million Dollars (\$5,000,000) bonds of the Town, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$5,000,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes.

SECTION 5. The said officers from time to time may apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Director of Finance, at the written direction of the Town Council, may expend funds from the general treasury of the Town for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Director of Finance and the President of the Town

Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Director of Finance together with the President of the Town Council be, and hereby are, authorized to deliver the bonds or notes to the purchasers and said officers be, and hereby are, authorized and instructed to take all actions, on behalf of the Town, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds or notes to become subject to federal income taxes.

SECTION 9. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This

resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$5,000,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Director of Finance and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds in the form as shall be deemed advisable by the Director of Finance and the President of the Town Council in order to comply with the Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Resolution or the Bonds, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and

appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 11. This resolution shall take effect upon passage.

b. Resolution 08-26: FTM Ballot Question

This Resolution is in Committee.

c. Resolution 08-27: Health Care Collaborative

Voted 5-0 for immediate consideration of Resolution 08-27, (JJ – KM).

Voted 4-0 to adopt Resolution 08-27 as amended, (JJ – KM) Councilor Flynn abstained.

Resolution 08-27

RESOLUTION

HEALTH CARE COLLABORATIVE AGREEMENT

WHEREAS the Lincoln Town Council recognizes the increasing health care costs for municipal employees and the decreased funding from the state.

WHEREAS the budgetary issues have forced cities and towns to seek alternative methods to reduce health care costs.

WHEREAS the Town of Lincoln has chosen self insurance as its means to lower the cost of health insurance while continuing to provide the full complement of coverage for its employees.

WHEREAS a properly managed program of self insurance will require a

properly established and maintained fund reserve to protect the operating budget from unanticipated large claim experience.

WHEREAS RIGL 45-5-20.1 allows cities and towns to form a jointly established non- profit corporation to obtain insurance and enter a cooperative risk management program.

WHEREAS on June 17, 2008 the Lincoln Town Council passed Resolution 08-27 authorizing the Town Administrator and/or Finance Director to enter into a non-profit corporation pursuant to RIGL 45-5-20.1.

WHEREAS on May 30, 2008, a non-profit corporation entitled Rhode Island Municipal Insurance Corporation was formed pursuant to 45-5-20.1.

WHEREAS Rhode Island Municipal Insurance Corporation has drafted an agreement for joint negotiation and purchase of health coverage.

WHEREAS the Town of Lincoln could realize significant health care cost savings by entering into said agreement with Rhode Island Municipal Insurance Corporation.

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LINCOLN AS FOLLOWS:

Section 1. The Town Council of Lincoln hereby authorizes the Town Administrator and/or Finance Director to enter the agreement attached as Exhibit A with the Rhode Island Municipal Insurance Corporation.

Section 2. The Town Council of Lincoln hereby orders that a fund

reserve be created that will set aside the excess of budgeted amounts based on the insurance working rate and the claims payable, stop loss insurance premiums, administrative costs paid to the Rhode island Municipal Insurance Corporation, and any other reasonable and necessary costs required to provide for the eligible employees health benefit for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Section 3. This resolution shall take effect upon its passage.

d. Resolution 08-28: Dam Assessment

Voted 5-0 for immediate consideration, (KM – JJ).

Voted 5-0 to adopt Resolution 08-28, (KM – RM).

Resolution 08-28

**RESOLUTION AUTHORIZING THE APPROPRIATION OF
UNEXPENDED
FUNDS DESIGNATED FOR MANDATORY DAM ASSESSMENT AND
CORRECTION TO THE CAPITAL PROJECTS FUND**

WHEREAS, the Town of Lincoln is obligated to perform engineering assessment and corrective action to the dams designated as high

hazard by the State of Rhode Island, and;

WHEREAS, the Town of Lincoln has appropriated \$150,000 for these dam projects for FY2008 while spending only \$8,970.39 to date, and;

WHEREAS, the needs of the ongoing projects requires the ability to carry over unexpended funds beyond the year of appropriation, and;

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lincoln that funds appropriated each year beginning with the fiscal year ending June 30, 2008 within the Operating Budget Capital Accounts for the Barney's Pond and Manton Dam project as approved by the Financial Town Meeting shall be permanently transferred into the Capital Projects Fund (Fund #50).

3. Ordinance introduction for referral to Committee

a. Ordinance 08-10: Solid Waste Collection

Voted 5-0 to refer Ordinance 08-10 to committee, (KM – JJ).

4. Solicitor's Report

Councilor O'Grady asked about the process for handling a request from an out of town company to tie-in to the Town sewer system.

Solicitor DeSisto responded that any request would need to be introduced by a council member.

5. Year End Bill Payment- Discussion and/or Action

Voted 5-0 to allow the Finance Department to process end of the fiscal year payments prior to the Council meeting and report these payments at the July Council meeting, (JF – RM).

Communications

2. State Mandated Financial Reports

a. Town

Voted 5-0 to accept this communication, (JJ –KM). Council President O’Grady wanted to point out that the Municipal Court is now operating in the black.

b. School

Voted 5-0 to accept this report, 9KM – JJ).

3. N. Kim Weigand

Voted 5-0 to accept this communication, (RM – KM). The Solicitor disagrees with this letter and feels the ordinance is lawful.

Adjourn 8:53 p.m.

Karen D. Allen

Town Clerk